



Senator Feinstein Welcomes Effort by Governors Schwarzenegger, Bush and the  
Governors of 12 Other States and the Virgin Islands to Seek Reimbursement for  
Incarcerating Criminal Aliens  
May 6, 2005

**Washington, DC** – California Governor Arnold Schwarzenegger, Florida Governor Jeb Bush and the Governors of 12 other states and the Virgin Islands today urged the House and Senate to provide \$750 million to reimburse the states and localities for the costs of incarcerating criminal undocumented immigrants and increase the funds they receive.

Senator Dianne Feinstein (D-Calif.) was the sponsor of a resolution approved by the Senate in March proclaiming that \$750 million should be budgeted in FY2006 for that purpose even though President Bush had budgeted zero funds. The provision was eliminated by the House and Senate Republican leadership in Conference Committee from the Budget that was approved last week.

The following is a statement by Senator Feinstein:

“The Senate approved a resolution I sponsored with Senator Jon Kyl of Arizona and seven other Senators that acknowledged it was the Federal government’s responsibility to reimburse at least \$750 million to the states for the high cost of incarcerating criminal illegal immigrants. Unfortunately, the Republican Congressional leadership stripped that provision from the Budget.

I am thankful Governor Schwarzenegger and the other Governors are now urging Congress to provide that amount of money for this effort. But I also urge them to contact President Bush who has eliminated funding for the program in each of his last four Budgets and sought to end the program. With the help of these 15 governors we may be able overcome the Administration’s resistance and ensure that the states are adequately reimbursed for the high cost of incarcerating criminal illegal immigrants.

Control of illegal immigration is a Federal responsibility. When our Federal agencies fall short in this responsibility, state and local taxpayers should not have to foot the bill. It is critical that the Federal government fulfill its duties and help state and local governments deal with the burden that illegal criminal aliens have placed on their justice systems.”

SCAAP properly vests the financial burden of incarcerating undocumented criminal aliens with the Federal government, when these aliens commit serious crimes in the United States. Increasingly, States, counties and local governments from all across the United States have made use of these funds over the years.”

Senator Feinstein's nonbinding amendment, which was praised by the Governors, expressed the sense of the Senate that the Budget resolution should accommodate an appropriation of \$750 million for the State Criminal Alien Assistance Program (SCAAP) for fiscal year 2006 and reauthorize the program long-term. It was cosponsored by Senators Jon Kyl (R-Ariz.), Kay Bailey Hutchison (R-Texas), Jeff Bingaman (D-NM), John Cornyn (R-TX), Daniel Akaka (D-HI), Hilary Clinton (D-NY), Chuck Schumer (D-NY) and Russ Feingold (D-WI)

Senator Feinstein is also the sponsor of a SCAAP reauthorization bill that was approved by the Senate Judiciary Committee in March, but has not yet been taken up the full Senate. It is cosponsored by Senators Kyl, Hutchison, Bingaman, Schumer, Cornyn, Barbara Boxer (D-Calif.), Lamar Alexander (R-Tenn.), Dick Durbin (D-Ill.), Maria Cantwell (D-WA), John McCain (R-Ariz.) Frank Lautenberg (D-NJ) and others.

Enacted as part of the Crime Act of 1994, SCAAP provided states between \$500 million and \$585 million in reimbursement funding annually from 1996 to 2002. Since 2003, however, the Bush Administration has proposed no funding for SCAAP and Congress has only provided a fraction of the amount requested by states.

In the past three years, Congress has approved the following amounts for SCAAP:

- \$250 million for 2003,
- \$296.8 million for 2004, and
- \$305 million for 2005.

It is estimated that states incur approximately \$13 billion in criminal justice costs each year for housing illegal criminal aliens. The SCAAP authorization expired in October 2004. Under the bipartisan legislation, the program would be restored and funding would be authorized at the following levels:

- \$750 million in Fiscal Year 2006
- \$850 million in Fiscal Year 2007
- \$950 million in Fiscal Years 2008 through 2011.

Copies of the letters from the Governors are available at:

[http://www.governor.ca.gov/govsite/pdf/press\\_release/SCAAP\\_FY06\\_Senate.pdf](http://www.governor.ca.gov/govsite/pdf/press_release/SCAAP_FY06_Senate.pdf)

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